IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:10-CT-3189-FL

COREY WADE,)	
Plaintiff,)	
v.)	ORDER
THE GEO GROUP, INC., et al.,)	
Defendants.)	

Plaintiff filed this action pursuant to <u>Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics</u>, 403 U.S. 388 (1971). Plaintiff also alleges a state law negligence claim based upon diversity jurisdiction. <u>See</u> 18 U.S.C. § 1332. The matter is before the court for frivolity review pursuant to 28 U.S.C. § 1915. Also before the court is plaintiff's motion to expand the record (DE # 7). These matters are ripe for adjudication.

Plaintiff filed a motion to expand the record to include additional evidentiary support for his claim. For good cause shown, plaintiff's motion is GRANTED.

The court now turns to the frivolity review of plaintiff's complaint. Section 1915 provides that courts shall review complaints in which prisoners seek relief from a governmental entity or officer and dismiss such complaints when they are "frivolous." 28 U.S.C. § 1915(e)(2)(B)(i). The court finds that plaintiff is ALLOWED to proceed with his claim.

In sum, plaintiff's motion to expand the record (DE # 7) is GRANTED. Plaintiff is ALLOWED to proceed with his claim. The Clerk of Court is DIRECTED to issue summons for defendants.

SO ORDERED, this the 315th day of March, 2011.

COUISE W. FLANAGAN Chief United States District Judge